REMARKS

The office action dated December 5, 2006 (the "Office Action") has been received and noted. Claims 1, 4, 6, 7, 9, 12, 14, 15, 17, 20, 22, 23, 25, 28, 30, 31 and 33-48 were examined. Claims 1, 4, 6, 7, 9, 12, 14, 15, 17, 20, 22, 23, 25, 28, 30-31 and 33-48 were rejected. Claims 1, 9, 17, 25, 37, 41 and 45 are amended. Support for the amendments can be found in, for example, page 16, lines 5-7 of the Application. As such, no new matter has been added. Claims 1, 4, 6, 7, 9, 12, 14, 15, 17, 20, 22, 23, 25, 28, 30, 31 and 33-48 remain in the Application. Reconsideration of the pending claims is requested in view of the above-amendments and following remarks.

I.   Claims Rejected Under 35 U.S.C. § 102

Claims 1, 4, 7, 9, 12, 15, 17, 20, 23, 25, 28, 31 and 33-48 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,275,226 to Uchida et al. (*"Uchida"*). A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. MPEP § 2131. Applicants respectfully submit that each and every element in amended claims 1, 9, 17, 25, 37, 41 and 45 and their respective dependent claims is not set forth in the cited reference.

Amended claims 1, 9, 17, 25, 37, 41 and 45 include the limitation of "the control element, *independently editable relative to a different control element*" (App., claims 1, 9, 17, 25, 37, 41 and 45, emphasis added). Representatively, the Application states that "[e]ach control element may be selected and changed without affecting the other control elements. Thus, any control element may be selected and changed without affecting the other control elements" (App., p.16, lns. 5-7).

By contrast, *Uchida* discloses development of an application program constructed of a plurality of application windows utilizing GUI controls (Abstract). According to *Uchida*, this is accomplished by defining:

> properties of a plurality of GUI controls as one set on a server and control[ling] a plurality of pieces of defining information to reflect selected GUI control property defining information as the property of a GUI control newly utilized by an application window editor adapted to develop an application window on the side of a client and . . .

collectively reflect[ing] the latest GUI control property defining information upon properties of all GUI controls utilizing the GUI control property defining information

(col. 2, lns. 32-42, emphasis added). As a result, the resetting of properties of the GUI controls is done through a *collective* change of properties of the GUI controls utilizing the GUI control property definition (*see* col. 2, lns. 29-31, emphasis added). According to *Uchida*, this is the principal object of the invention. Thus, *Uchida* does not disclose the limitation of claims 1, 9, 17, 25, 37, 41 and 45 of the Application, namely, "the control element, independently editable relative to a different control element" (App., claims 1, 9, 17, 25, 37, 41 and 45).

Dependent claims 4, 6, 7; 12, 14, 15; 20, 22, 23; 28, 30, 31, 33-36; 38-40; 42; and 46-48 depend on independent claims 1, 9, 17, 25, 37, 41 and 45, respectively, and therefore include all of the limitations thereof. Accordingly, Applicants submit that independent claims 1, 9, 17, 25, 37, 41 and 45 and their respective dependent claims are allowable over the cited reference.

II.   Claims Rejected Under 35 U.S.C. § 103

A.   No teaching or suggestion

Claims 6, 14, 22 and 30 were rejected under 35 U.S.C. 103(a) as being unpatentable over *Uchida* in view of Applicant Admitted Prior Art (AAPA). In order to establish a *prima facie* case of obviousness: (1) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference; (2) there must be a reasonable expectation of success; and (3) the references when combined must teach or suggest all of the claim limitations. MPEP § 2142. Applicants respectfully submit that a *prima facie* case of obviousness has not been established.

More particularly, *Uchida* does not teach or suggest all of the claim limitations of amended independent claims 1, 9, 17 and 25 as detailed previously in section I of this Response. The AAPA does not cure this lack of teaching or suggestion because the AAPA merely illustrates examples of control elements such as buttons, menus, windows and text, and, states that time-based streams of information may be manipulated by such control elements (App., p.1, 2, lns. 26-27, 19-20). Accordingly, the cited references do not teach or suggest all of the claim limitations of amended independent claims 1, 9, 17 and 25. Dependent claims 6, 14, 22 and 30 depend on

independent claims 1, 9, 17 and 25 and therefore include all of the limitations thereof. Accordingly, Applicants submit that dependent claims 6, 14, 22 and 30 are allowable over the cited references.

B. *Graham* factors not followed in making obviousness rejection

Moreover, Applicants submit that all of the *Graham* factors were not followed in making an obviousness rejection because *Uchida* teaches away from independent claims 1, 9, 17, 25, 37, 41 and 45. When applying 35 U.S.C. § 103, patent examiners carry the responsibility of making sure that the standard of patentability enunciated by the Supreme Court and by the Congress is applied in each and every case, i.e.,: (A) determining the scope and contents of the prior art; (B) *ascertaining the differences between the prior art and the claims in issue*; (C) resolving the level of ordinary skill in the pertinent art; and (D) evaluating evidence of secondary considerations. MPEP § 2141(I) (emphasis added). Because a prior art reference that teaches away from the claimed invention is considered a significant factor in determining obviousness, consideration of *Uchida* leans toward a finding of non-obviousness. MPEP § 2145(IX)(D)(1).

With respect to (B), ascertaining the differences between the prior art and the claims at issue requires interpreting the claim language, and considering both the invention and the prior art references as a whole. MPEP § 2141.02. Thus, a prior art reference must be considered in its entirety, i.e., as a whole, *including portions that would lead away from the claimed invention*. MPEP § 2141.02(VI) (emphasis added). Applicants submit that *Uchida* teaches away from the claimed invention because the system in *Uchida* requires synchronization of properties common to the GUI control types defined by a definer (col. 3, lns. 2-5). In fact, *collective synchronization* is central to the nature of the problem that *Uchida* is attempting to overcome. Representatively, *Uchida* states in the Background that:

> any method cannot be found in which properties common to GUI controls utilized in an application are controlled collectively and information about the common properties is set to the property of a GUI control utilized during application window development independently of other properties [or] . . . which can collectively change properties in respect of individual GUI controls

(col. 1, lns. 30-37). According to *Uchida*, this problem is solved by "*collectively reflect[ing] the latest GUI control property defining information upon properties of all GUI controls* utilizing the GUI control property defining information" (col. 2, lns. 30-31). This is different from Applicants' claimed invention, which includes the limitation of "the control element, *independently editable relative to a different control element*" (App., claims 1, 9, 17, 25, 37, 41 and 45, emphasis added). Applicants respectfully submit that because *Uchida* teaches away from the claimed invention, consideration of *Uchida* leans toward a finding of non-obviousness. *See* MPEP § 2145(IX)(D)(1).

Dependent claims 6, 14, 22 and 30 depend on independent claims 1, 9, 17 and 25, respectively, and therefore include all of their limitations. Applicants submit that dependent claims 6, 14, 22 and 30 are allowable over the cited references because the primary reference relied upon in making the rejection leans toward a finding of non-obviousness.
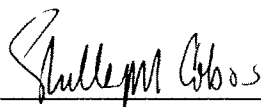
CONCLUSION

In view of the foregoing, it is believed that all claims now pending and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 500-4787.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

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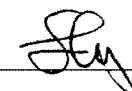
Shelley M. Cobos   Reg. No. 56,174

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025
Telephone (310) 207-3800
Facsimile (310) 820-5988